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September 21, 2021

Hon. Loretta A. Preska  
United States District Judge Southern District of New York 500 Pearl Street  
New York, N. Y. 10007  
Via ECF.

Re: United States v. Donziger, No. 19-cr-561 (LAP), 11-civ-691 (LAK)

Your Honor,

I am a journalist, documentary producer and TED Resident. My investigations of the US Criminal Justice System have garnered numerous awards, including the American Bar Association's Silver Gavel, the Columbia-duPont and Peabody Award. My work has appeared on NPR, PBS and The New York Times, among other publications.

I have known Steven Donziger for 23 years. I first met Steven after reading *The Real War on Crime: The Report of the National Criminal Justice Commission* (1996), which he edited. More than any other publication at the time, the report made clear how misguided policies had manifested in a tripling of our prison population in a span of 20 years, the majority of inmates being men of color, while having little impact on public safety or rates of crime.

My production company invited Steven to advise us as we created an interactive documentary based on the commission's findings. Steven brought his incredible legal scholarship and journalism experience to the project. The documentary we created, [360degrees.org](http://360degrees.org) examined the flawed and contradictory beliefs about crime and punishment as a way to hold our legal and judicial institutions to a higher standard. Twenty years on, this project is still being taught in criminal justice classrooms across the country.

At the time, Steven had been traveling to Ecuador meeting with the local communities affected by the toxic waste in the Lago Agrio area. We helped Steven launch the first website documenting the environmental damage. Even then, we were aware of the potential retribution for speaking out. My production company went to great lengths to keep our names off of the website. Steven, however, was unafraid to draw the ire of a corporation with limitless resources, in order to call for justice in the Amazon.

My respect for Steven has only grown since then. As a white, American male with a Harvard Law degree, he wields considerable privilege and power in our society. He could have taken on any kind of work. Instead, he is more than 25 years into a single case, one that has defied logic and odds at every turn. He has been wearing a sizable monitor around his ankle that tracks his every move. He has been confined to his apartment, his license to practice law, despite being recommended by the Bar Associations referee to be reinstated, has been suspended. He is being fined exorbitant sums by a corporation that does not need the money. His passport has been revoked. His opportunities for any financial exchange for his 25 years on this case have been severed by the court. And yet, rather than being outraged, I find Steven to be more grounded and patient than ever. Rather than giving himself over to frustration, his commitment has only grown. His appreciation for his family and friends and the details of daily life is contagious. He has doubled down on building community. What has emerged is a global alliance of friends, family, activists and environmental defenders who understand, now, more than ever, solidarity is paramount, that this case is about so much more than Steven Donziger.

I have had the privilege of accompanying Steven and his team to several days of hearings and appeals in the past several years and have witnessed how, despite the magnitude of charges and fines levied against him, the imbalance of power of a corporate entity against an individual Steven maintains a great reverence for the law and the institution of the court. 23 years later, the work is the same — to hold the institutions that are paramount to the functioning of our society to the highest standard.

Your Honor, I respectfully offer these words in the hopes that you will see Steven Donziger as a fellow human being who has dared to speak truth to power, who still believes that our legal institutions are a pathway to justice, and whose punishment has already been excessive.

May we all have the chance in this lifetime to offer ourselves to something greater than our own egos, to take so courageous a stand, to have the opportunity to choose the care and protection of our planet and our children over that of our own personal safety and comfort. May we all have a chance to alter the course of history and to take pleasure in knowing that we did so.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sue Jaye Johnson', written in a cursive, flowing style.

Sue Jaye Johnson  
Journalist, TED Resident



MARÍA CECILIA HERRERA

ABOGADA, LLM

September 27, 2021

Honorable Loretta A. Preska  
United States District Court  
Southern District of New York  
500 Pearl Street New York, NY 10007

**Re: United States v. Donziger, No. 19-cr-561 (LAP), 11-civ-691 (LAK)**

Dear Judge Preska,

I am an Ecuadorian human rights lawyer with an LLM in International Human Rights Law from American University WCL. After finishing Law school, I took a job with UNHCR, working with refugees and persons displaced by conflict. I continued working with UNHCR for several years in Ecuador, Greece and Belize. I have also served as a Law Professor in Ecuador and I am currently working as a legal advisor at the Andean Parliament.

I have known Steven for more than 2 years, when I started working on the Ecuador case. Throughout this time, I have been able to visit the area that Chevron polluted a few times, enough times to realize that the victims are real. During these visits, I met Servio Curipoma, who lives in Joya de los Sachas, in the province of Orellana. Servio bought a piece of land in an area that used to be a Chevron pit, in a supposedly remediated area. But it only takes some drilling to see that Chevron's remediation was a façade, they just poured cement on top of the oil. Servio's father died of stomach cancer, his mother and sister-in-law died of uterine cancer. There is no compensation that could make up for the lives of Servio's loved ones. Steven knows this.





# MARÍA CECILIA HERRERA

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**ABOGADA, LLM**

During these two years, I have ratified that Steven's concern for Chevron's victims is real. They are not a number, they are not a job, they are not just clients. They are fellow human beings with a face and a name, and a family. I am absolutely convinced that without Steven, Ecuador's affected communities would have never seen a positive judgment nor a fair trial.

Steven Donziger is a brilliant Harvard-graduate lawyer. He could be doing anything in the corporate field, representing multimillion dollar companies and charging large amounts of money. However, he truly wants to make a difference in the world, so he chose to work with some of the most vulnerable people on earth. The same people, that at this very moment, are dying of cancer and other health-related issues but are not able to seek justice because their lawyer is in house arrest. That is why, I respectfully request Steven is sentenced to time-served.

Thank you for taking the time to read this.

Respectfully yours,

Atentamente,

A handwritten signature in black ink, appearing to read "MCH", written over a horizontal line.

**María Cecilia Herrera**  
**Abogada, LLM**



INTERFAITH CENTER ON CORPORATE RESPONSIBILITY

*Inspired by faith, committed to action.*

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September 21, 2021

Hon. Loretta A. Preska  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, N. Y. 10007  
Via ECF.

Re: United States v. Donziger, No. 19-cr-561 (LAP), 11-civ-691 (LAK)

Dear Judge Preska:

I am writing to you as the Chief Executive Officer of the Interfaith Center on Corporate Responsibility (ICCR), in support of my friend Steven Donziger. ICCR is a coalition of more than 300 institutional investors collectively representing over \$4 trillion in invested capital. ICCR members, a cross section of faith-based investors, asset managers, pension funds, foundations, and other long-term institutional investors, have nearly 50 years of experience engaging companies on environmental, social, and governance issues that are critical to long-term value creation. In addition to my role as CEO of ICCR, I have also been a public interest lawyer for more than 25 years, including as a litigator, and was the founder and long-time Director of the Foreclosure Prevention Project at South Brooklyn Legal Services.

I have known Steven as a friend for more than two decades, as he is a law school classmate and close friend of my wife, Sarah Leah Whitson. I can attest to Steven's integrity as a lawyer, to his profound commitment to seeking justice, and to his deep commitment to family, friends, and community.

For 50 years, ICCR members have always been in the lead as investors in engaging companies on the environmental and human rights risks in their operations and supply chains. As such, we work closely with human rights defenders, and others around the world who speak up for affected communities to try to mitigate the harms that corporate abuses can cause. Human rights defenders are committed advocates who are at the forefront of protecting the rights of vulnerable people and communities, often at great personal expense. I definitely view Steven's tireless work litigating this case for decades on behalf of indigenous communities in Ecuador in

this vein. As an advocate for fair and ethical corporate practices, I am deeply concerned about the abusive way that Steven has been treated by Chevron in this case.

Steven has devoted his life's work to fighting for justice for the people of the Amazon who were subject to Texaco's unconscionable destruction of their local environment. Chevron's response, rather than working to resolve the matter to the benefit of both the company and the people of the Amazon, has been to use hundreds of lawyers and law firms to launch a personal assault against Steven's integrity, at great personal cost.

Steven is a dedicated and tireless advocate who deserves to be commended for his deep persistence in never giving up in the pursuit of justice for his clients. He deserves to be commended for his work, but instead has been forced into home detention for two years, at huge personal cost. He has a teenage son and a family, and his unprecedented home detention, during his son's formative years, is unwarranted and unjustified. Given this, I respectfully request that you act humanely and release Steven for time served.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be 'JZ' or similar initials, written in a cursive style.

Josh Zinner  
Chief Executive Officer  
Interfaith Center on Corporate Responsibility

**James Bernard**

165 Prospect Park West Apt 3L Brooklyn, New York 11215  
718.360.6175 [JamesBernard@mac.com](mailto:JamesBernard@mac.com)

September 9, 2021

Honorable Loretta A. Preska  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Dear Judge Preska,

Steven is not a "cause" for me. He is one of my oldest and dearest friends, who has selflessly been there for me since we were 1Ls together at Harvard. We were not the youngest law students -- both of us worked for a bit after undergrad -- but we were certainly younger than we are now. At school, Steven and I would talk for hours on the phone -- talking sports, gossiping, nothing serious, except it was very important: we became lifelong friends.

Little has changed in our relationship over the past 33 years. We still have those conversations, except we now have wives and children to talk about too. We rarely talk about work or even about politics -- or even this case. It's like our chats are oases from what our non-personal lives are about. The idealism remains, however, even though we have physically changed -- and the idealism is the reason why I have occasion to write such a letter to you. I am essentially begging you not to imprison someone who is very close to my heart.

I have not yet found an outlet that would satisfy my idealistic impulses. I never practiced law. I started a successful music magazine and then I have spent my years working for government and unions as well as charter schools. Even though my career seems very eclectic, it is like I was searching for a way to create social change on a large scale like Steven has. It has been wonderful to see Steven take on a cause and make a commitment to where his heart lies. Like I said, Steven is exactly the same person I remember who spoke about his love and reverence for the law back when we were in our 20s.

As his friend, I urge you to consider the cost to his family from his two years in house arrest. Steven has been punished enough. Locking him up at this point would be needlessly cruel and make this entire episode ugly and petty and personal in a way that it has not been.

Thank you for considering my words and sentiments,

James





September 9, 2021

Hon. Loretta A. Preska  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007  
Via ECF  
Re: United States v. Donziger, No. 19-cr-561 (LAP), 11-civ-691 (LAK)

Dear Judge Preska:

My name is Steve Frankel. I have lived in Manhattan for most of the past 30 years after growing up in Atlanta. I have a bachelor's degree in journalism from the University of Georgia's and a master's degree in political science from Georgia State University. I am 60 years old and have spent my entire career working in communications, including as the youngest speechwriter for the governor of Georgia, the youngest spokesman for the President of the University of Georgia, and for the past three decades as a senior partner at several highly-regarded public relations firms.

I am married to a wonderful wife and mother (Nicole), who cares deeply about our community and is active in numerous civic and religious activities. Our 20-year-old daughter Samantha is a junior at American University, Steven Donziger's alma mater.

I have known and respected Steven Donziger for nearly 40 years. His sister and I became close friends during college and that's when I met Steven. He and I became instant friends – we shared common interests in sports, media and politics. Fortunately, two Southerners named Steven both ended up in NYC enabling our friendship to grow even stronger, particularly in recent years when friendship and moral support were absolutely critical to his emotional well-being. Our families have become very close. Nicole and Laura are good friends and Matthew attends the same high school from which Samantha graduated.

Having celebrated my 60<sup>th</sup> birthday earlier this summer, I reflected on the accomplishments of my life. I thought about the responsible jobs I have had (particularly some at a very young age), the confidence placed in me by my colleagues and clients, and the financial security I have worked so hard to achieve for my family. But, without a doubt, what I was most proud of are the many lifelong friendships I have spent so much time and effort to establish and maintain. I am extremely fortunate to have many friends since high school and college (like Steven) who I see and speak to often. I am an active presence in their lives and those of their children. How many people are lucky enough to have so many close friends for 40-plus years?

Judge Preska, if you knew me, you would quickly realize that I am an excellent judge of character. Honesty, integrity, thoughtfulness and ethical behavior are values my parents instilled in me. I only surround myself with people who uphold these values in their family life, in their personal relationships and in their careers. Simply put, I believe Steven Donziger, a man I have known well for 40 years, is that kind of quality person.

As you consider Steven's sentence, I respectfully request that you take into careful consideration that he has already spent more than two years in home detention, that he is a dedicated husband and father, a true



friend to many, and a compassionate and passionate lawyer who has devoted his entire career to improving the quality of life for others. Thank you.

Sincerely,

Steve Frankel

September 9, 2021

Hon. Loretta A. Preska  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007  
Via ECF  
Re: United States v. Donziger, No. 19-cr-561 (LAP), 11-civ-691 (LAK)

Dear Judge Preska:

My name is Nicole Frankel. I am a wife, mother, sister and daughter. My first career was in fashion, for more than 20 years. In that industry I learned to be a tough negotiator and to advocate for myself. Both these skills have served me well as I transitioned to philanthropic work. For many years I raised money for The Calhoun School as a Co-Chair of the annual benefit. For the last six years, I have served on the Board of Trustees at Temple Emanu El, the oldest and most prominent Reform Synagogue in New York, where I am also the Membership Chair. Our congregation includes numerous well-respected leaders from the business, legal and civic communities of our city,

These experiences have allowed me truly make a difference in the world in accordance with the Jewish teaching of Tikkun Olam, which translates to making the world a better place. I can think of no friend of mine who better exemplifies this philosophy than Steven Donziger. We would all like to believe we have done something to make life better for others, but Steven truly has.

I met Steven through my husband, and we quickly became friends. Laura and I have become very close and together with Matthew, our families we have celebrated many milestones and holidays. Steven and Laura were also exceptionally kind to me when my father passed away. They are good people.

Hopefully, when it comes time for you to sentence Steven, you will look at him in full as a total of the many good deeds he has done. Hopefully, when it comes time to sentence Steven, you will look at how many days he has already served under house arrest. And hopefully, then you will see that Steven truly has already suffered enough, has lost so much, and that he deserves your mercy.

Respectfully,

Nicole Frankel



**FloridaRetailGroup**

retail real estate services

September 16, 2021

Hon. Loretta A. Preska  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, N. Y. 10007  
Via ECF.

Re: United States v. Donziger, No. 19-cr-561 (LAP), 11-civ-691 (LAK)

Dear Judge Preska:

I am a commercial real estate broker and developer in Jacksonville, FL for over 33 years. I have been married for 23 years to Leslie Ginsberg who is a dentist in Neptune Beach, FL. We have two children, Abi and Ethan, both of whom are in college.

I grew up with Steven Donziger and have known him since we were 5 year's old and he is my best friend. I was at his Bar Mitzvah, his high school graduation, his wedding, his birthday parties, and almost every event that mattered in our respective lives including the birth of our children. We were part of a close-knit Jewish community as Jacksonville was a "Deep South" town that had a lot of discrimination against Jews. Our parents were great friends, and we spent a lot of time with each other's families. Steven's mother Hester, appropriately nicknamed "Honey" given her smile and optimism, had a lot to do with Steven's sensitivity. She was also engaged in civic life and knew many local politicians and was active in local election campaigns. That led to Steven being involved in the community. Steven and I went to the same elementary, middle and high schools. We knew everything about each other. We loved sports, playing as well as spectating golf, basketball and football.

We were competitive in sports but more importantly we respected each other's triumphs even when it came at our loss. Steven always played the games with integrity and called penalties on himself even when no one else saw the infraction. That's how we were raised, doing the right thing. It was a triumph of our community when Steven made it to law school at Harvard. Our community in Jacksonville felt tremendous pride and we still feel pride in his many

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accomplishments since.

It is sort of hard to explain, given that we all grew up in upper middle-class backgrounds, that Steven was always bothered by injustice. In school, he always befriended those who were not the so-called "popular" kids, but instead always seemed to see the spark and potential in everybody. In class, he challenged the conventional wisdom; it enriched the learning experience for all of us and Steven was recognized in school for his academic skill in various ways. He also was an early advocate for the impoverished and underprivileged. When we were young kids, he took to the sidewalks in front of Winn-Dixie (a local grocery chain) to picket due to unfair labor practices against the lettuce pickers in California. Steven genuinely cared for what was happening to these workers and took it upon himself to organize a rally to help stop this abuse. Steven was always getting involved to help those that couldn't help themselves. This is a theme he has carried throughout his whole life. But he has never been arrogant about it and certainly does not act as if his choices are "superior" to those of us who have more regular pursuits; he seems to simply enjoy doing that work.

Steven was a good student, and even gave up time playing sandlot football and golf to study the dictionary. He loved discovering new words. Steven gained a tremendous vocabulary and used it wisely to further his education at American University and then at Harvard Law. Prior to going to Harvard, Steven worked just after college as a foreign correspondent for UPI in Nicaragua, again wanting to tell the real story of the civil war in that country. Several times his life was threatened by the military for going into areas that they didn't want him to go so he could report on what was actually taking place. Steven used these experiences to propel him to Harvard and continue his efforts to help others.

After graduating from Harvard Law, Steven went to work at the Public Defender office in Washington DC to the great dismay of his father Mike who wanted him to earn more money. Mike made the statement over and over to me that his son was singlehandedly bringing down the average salary of Harvard Law graduates. Steven's starting salary was \$28,000 per year when the average graduate at the time was making \$100,000. This exemplified who Steven is, not caring about money and himself, but caring about the less fortunate and trying to use his legal talent he had at the beginning of his career to help them.

Steven's involvement in the Ecuadorian case was just another example of an effort that started in his childhood to carry out his passion. Steven always refused to believe that his work was altruistic. He always said he enjoyed it and did it because it made him feel good about his purpose. I know that Chevron and its lawyers have done everything imaginable to discredit Steven and to paint him as greedy, but I have known him for 55 years and know the character of the man and the moral compass inside and he is the opposite of that image. He is, and always will be, a kind, compassionate and loving man who is true to his inner self. Someone who will help those in need and always be there for his friends.

Steven and his wife Laura and son Matthew have visited our family in Florida every year and sometimes two to three times a year but that tradition has been interrupted for two years now. I have personally witnessed the tremendous stress that these past two years have had on Steven, Laura, and their son. It's aggravating to say the least. This is the time of life that parents enjoy their children traveling to visit close friends and family. Matthew has missed two years of those



memories which he will never get back. Matthew is a great young man, much like Steven and I when we were that age but to see his father under house arrest for over two years is incomprehensible to him.

Last year, my father Gerald (who was very fond of Steven) passed away at the age of 89. On Steven's last visit to Jacksonville in June of 2019 (just prior to his arrest), he had a lengthy visit with my father. As always, Steven treated my father with great affection and interest. They always had a great relationship. Steven asked him about the high moments of his life and my father's thoughts were when he was named Chief of Staff at Memorial Hospital in Jacksonville. Steven loved to engage with my father. He always asked other people questions about themselves even though Steven's life was usually much more interesting than anybody to whom he was talking. On the day my father passed, I was wrecked in part because I knew Steven could not travel to Jacksonville for my father's funeral. We were always there for each other on every major occasion. I was there for his mother Honey's and his father Mike's passing. We would never miss those moments. Unfortunately, you can never get those moments back. That said, Steven never complains about his situation and continues via phone or Zoom to take a great interest in others even as he and his family continue living with his detention.

I am not a lawyer so it is hard for me to judge the legal merits of the case against Steven. That said, I am appalled that this man I have known for almost six decades faces a prison term. This is entirely inconsistent with the character of the man I know or his motivations as a lawyer. I ask this court to take this into account when sentencing Steven and to try to let him return home based on his good deeds over his life and the long period of time he already has been in house arrest.

Thank you for the consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Brian Platock', with a stylized, cursive script.

Brian Platock